

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY  
TRENTON VICINAGE**

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**SCOTT MATHEWS, individually, and  
on behalf of all others similarly  
situated,**

**PLAINTIFF,**

**v.**

**VERIZON COMMUNICATIONS INC.,**

**DEFENDANT.**

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: **Civil Action No. 3:19-cv-21442**  
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: **CLASS ACTION COMPLAINT**  
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: **DEMAND FOR JURY TRIAL**  
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Plaintiff Scott Mathews (“Plaintiff” or “Mathews”), by and through his attorneys, The Kim Law Firm, LLC, and on behalf of himself and the Putative Class set forth below, and in the public interest, hereby brings the following class action Complaint against Defendant Verizon Communications Inc. (“Verizon” or “Defendant”), pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (the “FCRA”).

**PRELIMINARY STATEMENT**

1. This case concerns Verizon’s willful and illicit accessing of sensitive personal information of individuals in violation of the FCRA.

2. Verizon states that it is a global leader delivering innovative communications and technology solutions. The Company operates through a number of subsidiaries, including (but not limited to) Verizon Wireless.<sup>1</sup> Upon information and belief, Verizon conducts credit inquiries of prospective customers in order to determine plan eligibility. However, as alleged in greater detail

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<sup>1</sup> For purposes of this Complaint, Verizon and its subsidiaries, including Verizon Wireless, will be referred to as “Verizon” or “Defendant”.

herein, Verizon also conducts credit inquiries of individuals who are neither Verizon customers nor Verizon prospective customers. That is, these are individuals who have not attempted to open an account with Verizon, but yet have still been subjected to a credit inquiry and had their credit reports obtained by Defendant. As alleged herein, Verizon, routinely and regularly obtains the credit reports<sup>2</sup> of these individuals without any permissible purpose.

3. Accordingly, Plaintiff, individually, and on behalf of all others similarly situated, seeks to obtain redress for a nationwide class of consumers.

### **PARTIES**

4. Individual and representative Plaintiff Mathews is a resident of Black Hawk, Colorado. Mr. Mathews is a member of the Putative Class defined below and is a consumer as that term is defined by 15 U.S.C. § 1681a(c).

5. Defendant Verizon is a corporation that provides communications services, is registered to do business in the State of New Jersey and maintains “operational headquarters” located at One Verizon Way, Basking Ridge, New Jersey 07920.<sup>3</sup> Verizon is a “person” as defined by 15 U.S.C. § 1681a(b).

6. At all relevant times, Defendant ratified each and every act or omission complained of herein. At all relevant times, Defendant aided and abetted the acts and omissions alleged herein.

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<sup>2</sup> A credit inquiry by Verizon results in Verizon obtaining the credit report of an individual.

<sup>3</sup> According to Verizon’s website, “[o]ur official headquarters and Board of Directors are located in New York City. However, our executive leadership and corporate functions are located in Basking Ridge, New Jersey.” See <https://www.verizon.com/about/our-company/verizon-corporate-headquarters>.

### **JURISDICTION AND VENUE**

7. This Court has federal question jurisdiction over Plaintiff's FCRA claims pursuant to 28 U.S.C. § 1331 and pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d).

8. Venue is proper in the District of New Jersey, Trenton Vicinage, as Defendant engages in substantial business activity in this District and maintains its "operational headquarters" in this District.

### **FACTUAL ALLEGATIONS**

9. Plaintiff is not and was not a prospective Verizon customer. At no relevant time did Plaintiff have open, initiate opening, or inquire about opening, any account with Verizon.

10. In or about September 2018, Plaintiff was performing a routine check of his credit. To Plaintiff's shock, Plaintiff discovered that Defendant had performed a credit inquiry on him on September 10, 2018, despite the fact that Plaintiff had no relationship with Defendant whatsoever and had not provided Defendant with written authorization to conduct such an inquiry.

11. Plaintiff was further bewildered when he received a letter from Defendant dated September 25, 2018 (attached hereto at Exhibit A) informing him that a Verizon Wireless account had been opened in his name. Plaintiff had never at relevant times opened or initiated the opening of an account with Defendant or any of its subsidiaries.

12. Plaintiff was forced to expend time, resources, and effort in order to rectify the situation (which he in no way caused), to the extent possible. By letter dated October 1, 2018 (attached hereto at Exhibit B), Defendant acknowledged that the account in question had not been opened or initiated by Plaintiff. Yet despite this, Defendant had still impermissibly obtained Plaintiff's credit report which contained sensitive private and personal information.

13. Unbelievably, over a year later, on November 14, 2019, Verizon again conducted a hard inquiry and obtained Plaintiff's credit report. Like the prior inquiry, the November 14, 2019 inquiry was conducted by Verizon without any permissible purpose. Plaintiff never requested (or asked to be considered for) any service with Verizon.

14. In or about November 2019, Plaintiff contacted Verizon about the unauthorized inquiry. Verizon agreed to have the September 2018 and the November 2019 inquiries removed from Plaintiff's credit reports. Verizon, however, did not have the inquiries removed.

15. When contacting Verizon, Plaintiff was always directed to Verizon's "Fraud Department" but was never provided an explanation as to how or why the credit inquiries were occurring.

16. Further, Plaintiff was sent cellular phone equipment following the November 19, 2019 hard inquiry--equipment that Plaintiff certainly never requested or ordered.

17. Plaintiff during all relevant times has never had any identity theft issues to his knowledge. If Plaintiff had been the victim of identity theft, it is at best curious (and perhaps bordering on inexplicable) that Plaintiff himself (and not the purported fraudster) would have received the cellular phone equipment.

18. As set forth herein, Plaintiff was not a Verizon customer and had never sought to open an account with Verizon. Defendant had absolutely no permissible purpose for performing any credit inquiry on Plaintiff whatsoever.

19. Plaintiff did not initiate a transaction with Defendant, and Verizon had no permissible purpose to obtain Plaintiff's credit report. Even if Plaintiff had been a prospective Verizon customer (which he was not), Verizon did not have a permissible purpose in obtaining Plaintiff's credit reports as Defendant would have been required to receive written instructions

from Plaintiff, as required pursuant to 15 U.S.C. 1681b(a)(2) of the FCRA, prior to accessing Plaintiff's consumer report. Defendant never received any such written authorization from Plaintiff.

20. Plaintiff never signed any agreement with Defendant, never agreed to purchase or obtain any services from Defendant, and never had any contact with Defendant whatsoever. Plaintiff only subsequently learned through his own diligence that Verizon, without written authorization (or any legitimate reason) to do so, had obtained his credit report through a credit inquiry that appeared on his credit report.

21. Upon information and belief, Verizon has routinely and systematically obtained credit reports on individuals who are neither current nor prospective Verizon customers, with no permissible purpose or written consent, resulting in credit inquiries. Astoundingly, Verizon proceeds with conducting impermissible credit inquiries, resulting in a disclosure of unauthorized private information as well as reductions in credit scores.

22. Upon information and belief, Verizon routinely and systematically directs individuals with complaints regarding impermissible pulls of their credit to the Verizon Fraud Department. However, it is not apparent that fraud is occurring or has occurred. Verizon is thus creating the appearance that fraud is occurring without any confirmation.

23. In fact, complaints are found strewn throughout the public domain regarding unauthorized Verizon accounts and related credit inquiries occurring in the name of individuals who are not current or prospective Verizon customers (or who were prospective Verizon customers but declined to undergo the necessary steps to open an account with Defendant). Defendant has done nothing to remedy the illegal and/or illicit behavior, which persists on a systemic basis. By way of example only:

Question By  
Jtrem7

0 Contributions  
0 People Helped

#### Verizon Hard Pull-Not a Customer

Noticed when I pulled my annual free credit reports today, that I had a hard pull from Verizon on Equifax from Dec. 10th 2013. Not on any other credit reports, ether.

I've never been or even applied for anything from Verizon Wireless. I called them and after waiting on hold for an eternity. I was told that no account existed for my social.

I asked the lady if it was just an error and she told me verizon doesnt make errors and that it was most likely fraud and to contact the government. To which I kinda just laughed.

I disputed the hard pull through Equifax.

Anyways,  
what action if any should I take? Does this seem to be fraudulent or most likely just an error?

Good question? 👍

March 03, 2014 | [Reply](#) | [Flag](#)

<https://www.creditkarma.com/question/verizon-hard-pull-not-a-customer/>

↑ Posted by u/morethus 3 years ago 🟡

1  
↓

#### Mysterious new hard inquiry from Verizon wireless. Looking for advice.

Other

I'm not a version customer. Haven't been for many years. I didn't apply for anything from them. I'm trying to rebuild my credit score and do not want this on my report. Any advice would be greatly appreciated.

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[remainder of page intentionally left blank]



Posted by u/throwaway359811x 4 years ago

224



## Locked down everything after a Verizon account was created in my name; Now trying to figure out how it happened.

Credit

Hi everyone. I frequent [r/personalfinance](#) but am using a throwaway for obvious reasons.

Several days ago, I received an email from Verizon that an order had been placed for a new line of service. It had my name, address (that I've only lived at for 4 months), cell phone number (just for billing info, not being used for new line), and of course my email address. The only thing that was not mine was the card being used. (Based on type and last 4 digits it showed) The weird thing about it was that A) it was in Spanish, and B) the phone in the order was literally a decade old flip phone. I'm assuming the person chose the bring your own device option. Upon checking my credit report, sure enough there was a hard credit inquiry from Verizon that same day.

So I immediately took action and did everything & more as prescribed in the newest wiki entry: [https://www.reddit.com/r/personalfinance/wiki/identity\\_theft](https://www.reddit.com/r/personalfinance/wiki/identity_theft) MAJOR props to [/u/dequeued](#) on this. Since it was a hard credit inquiry, I assumed that someone had the ol' ssn. I filed a fraud complaint with Verizon, the FCC, did a police report, froze my credit, opt-outs, etc etc. I'm still rather shaken

up about it and can't really eat that much; The last part of the wiki is easier said than done.

So now-- I'm trying to figure out how this info was compromised, or if it even was. Assuming my ssn was used, the only places that could possibly have the combination of all the above info plus ssn would be my employer, a hospital & clinic (had an accident right after I moved), and possibly my dentist? (I can't recall if I gave it to them) I never throw away sensitive documents without shredding. I have no existing accounts of my own with Verizon that could have been leveraged. I don't fall for phishing, I use 2-factor auth and token logins where available, I set account alerts for all important accounts, and use unique passwords. (I preach this for a living, so it's another reason I'm distressed that this happened) Nothing seems out of the ordinary. So short of some physical breach in some place I mentioned above, I don't know how it could have happened.

The other possibility I wondered is if my ssn was compromised at all? Does Verizon even needs an ssn to do a credit check for online order? Can hard credit inquiries be done with name/address/phone and no ssn? Does the existence of a credit inquiry on a report mean that it

was just initiated, or does it mean it was approved? Verizon confirmed that the order was done online. Out of curiosity, I opened up a new browser and tried to do a similar dummy order with the same plan. Upon trying to checkout, the "Billing & Credit" section only asked for name, address, phone number, but NO ssn. The rest of the fields to complete in the order (which I couldn't see because I wasn't giving it a valid address) didn't strike me as things that would later ask for an ssn.. (Shipping, Choose a number, Payment) If all they needed was name/address/number/email, then I can at least come up with theories of how it happened. (USPS change of address confirmation sent to old address and it had my new address and someone opened it? Previous apartment was a 4-bedroom place)

Very sorry if this isn't quite PF caliber and maybe even turning into a rant, but I was hoping that someone may offer any insight into this situation. Thanks in advance!


 72 Comments  Share  Save  Hide  Report

86% Upvoted

[https://www.reddit.com/r/personalfinance/comments/3wa35o/locked\\_down\\_everything\\_after\\_a\\_verizon\\_account/](https://www.reddit.com/r/personalfinance/comments/3wa35o/locked_down_everything_after_a_verizon_account/)

24. A comment made by a separate consumer to the above post stated the following:

 Textpectation 57 points · 4 years ago

 THIS JUST HAPPENED TO ME! I received two verizon bills stating I had started service a week ago and freaked. I went into a verizon and they said I was the 3rd or 4th person that came in complaining about the same thing. I really hope Verizon is doing something to thwart this or are at least alerting their customers to this problem.

25. In yet another situation where a different individual had their credit report obtained impermissibly, the following was stated:

[remainder of page intentionally left blank]





Posted by u/philovescookies 1 year ago

## Am I a victim of fraud, a recipient of a free Xs Max, or both?

I come home from walking the dog as the UPS truck is pulling away. Walk inside and there's a package addressed to me, in my name -- almost. It's misspelled by one letter.

I open it up and it's an iPhone Xs Max in my name, except I didn't order a new phone. Here are some additional details:

- Inside of the box was a Verizon shipping receipt (English on one side, Spanish on the other) with the IMEI, a few other numbers and the total cost -- no payment details though or any VZW account info.
- On the document, there's a mobile number which is not mine.
- I call that number and no answer -- VM not setup yet.
- Checked my VZW account -- no activity.
- Checked all credit cards -- no activity.
- Checked my Credit Karma account -- no new accounts or balances, but there WAS a hard inquiry from VZW several days ago which I can only assume is tied to this (I have already

disputed it with Equifax).

- I called VZW several times -- being Black Friday and all, I waited for an hour and a half and no rep picked up the call (really?!?).
- I called the police and an officer came out. He basically told me this happens a lot, and that most likely my credit card and SSN are not compromised -- that VZW can check my credit without an SSN. Is that true?
- He said chances are it's a local person who purchased some credit card #s and opened fraudulent accounts, shipped phones to some nearby homes and drove around looking to see if any were left on doorstep.

The cop all but told me it's up to me what I do. So here's the situation: I'm going to try calling VZW again. I may go to a store nearby and see if they can take it. But I'm sure as hell not going out of my way, unless it's going to somehow benefit the victim (if it isn't me). The police wouldn't take it. I've already wasted my entire Friday night. My wife is pretty sure we're going to be robbed tonight. She's paranoid, looking out the window like a meth addict.

My question for y'all is, based on the facts above do you think I should be taking any steps re: protecting my ID? Like I said, it doesn't appear (yet at least) that I'm the victim but the credit inquiry is throwing me for a loop.

And then if I were to get "stuck" with this thing, what's the value anyways? Assuming it'll be blocked or blacklisted or something once the fraud is reported by the actual victim right?

[https://www.reddit.com/r/verizon/comments/9zv2lr/am\\_i\\_a\\_victim\\_of\\_fraud\\_a\\_recipient\\_of\\_a\\_free\\_xs/](https://www.reddit.com/r/verizon/comments/9zv2lr/am_i_a_victim_of_fraud_a_recipient_of_a_free_xs/)

Posted by u/instinctellekt 10 months ago

### Verizon Wireless - Fraudulent Account Authorized/Opened By Verizon

Hi All, a few days ago I started receiving emails from Verizon Wireless for what looked like an account being opened using my email address. I am not a Verizon Wireless customer, nor have I signed up for service.

Shortly after, I also started getting additional emails (take a survey about your recent visit at a Verizon Walmart location, get help setting up your device, thank you for activating your account, etc). One interesting thing to note is that one of the emails from Verizon states, "Thank you for activating service on **09/11/2019** for wireless number(s)...", which the police officer actually noticed when I went to go file a police report. A bit strange that someone used my info to activate service in the future. Also, I have been checking the email headers, security certificates, etc, and googling the "Sent By" email addresses to ensure that this isn't some phishing attempt, and the emails appear to be legitimately from Verizon.

A couple days ago, I got a notification from credit karma stating Verizon had done a hard pull on my Equifax report (shows up as "Verizon Wireless-n.t")

I have been trying to contact Verizon (as follows): 11/24/18 5:50 PM (Eastern Time): Called Verizon at 800-922-0204, spoke with Deljanique. Provided me with contact information for Verizon Fraud department (888-483-7200). Asked for my SSN to verify if there was an account, and there was. Provided her the information I had at this point (receiving emails indicating a verizon wireless account activated, presumably at a walmart in plano, tx according to one of the emails asking to fill out a survey).

11/24/18 6:17 PM: Called Verizon Fraud at 888-483-7200. Was on hold for 1h29m before I had to hang up.

11/25/18 12:52 PM: Called Verizon Fraud at 888-483-7200, was on hold for 41m55s before finally getting a representative-- Regina). Told her what is going on, and she stated I have to file a police report and submit a case on [www.verizonwireless.com/fraud](http://www.verizonwireless.com/fraud). The page also asks for account number, which I do not have because I never opened this account (the emails only contain the last 4 digits of the account number). Regina provided the entire account number which I have written down as well.

11/25/18 ~2:30-3:00 PM: Visited local police department to file a police report. Case number was provided as well.

11/25/18 ~3:30PM to 6:00 PM: Attempted to submit a case (which included uploading A LOT of personally identifiable information) on [verizonwireless.com/fraud](http://verizonwireless.com/fraud). Tried two different computers and three different browsers and repeatedly getting the following error when trying to submit: <https://i.imgur.com/xuIVTYl.png>

11/26/18 ~9:30 AM: Attempted to submit a case on the verizon fraud website again, but still getting the same error as before.

I have also contacted the credit bureau's to freeze my credit. I think someone is attempting to use my identity, and Verizon's representatives have been extremely unhelpful (the last person I spoke to had a careless attitude).

All in all I've wasted hours during Thanksgiving weekend over this crap. I'm not sure how to get in touch with Verizon, and cannot afford to be on hold with Verizon for hours before reaching a real person, only to be told to submit something on a website that is broken. Is there anyone I can speak with that actually cares and/or knows what they're doing?

Also, one thing to note is the state in which this account appears to have been activated (based on the survey email I received) is in the southwest, whereas I am in the northeast. I also have Verizon FIOS internet service. One would think that Verizon would at least find it a bit strange that someone who has active internet in the northeast is activating cell phone service in the southwest.

My concern right now is that I can only assume whoever activated this account is likely trying to get away with free phones or service. If the former, well, the thief probably already got away with it.

Does anyone have any advice on what I can do, who I can get in touch with, etc?

EDIT: Just wanted to state that I did search, found the thread below, however my issue is that I'm not even able to submit the fraud claim form.

[https://www.reddit.com/r/verizon/comments/739aye/why\\_is\\_verizons\\_fraud\\_reporting\\_system\\_so\\_onerous/?st=jeyh2yqz&sh=281924e6](https://www.reddit.com/r/verizon/comments/739aye/why_is_verizons_fraud_reporting_system_so_onerous/?st=jeyh2yqz&sh=281924e6)

10 Comments Share Save Hide Report 50% Upvoted

[https://www.reddit.com/r/verizon/comments/a0kald/verizon\\_wireless\\_fraudulent\\_account/](https://www.reddit.com/r/verizon/comments/a0kald/verizon_wireless_fraudulent_account/)

26. Upon information and belief, Verizon purportedly has (or is supposed to have) safeguards in place to ensure that false accounts are not opened in another person's name. These safeguards should include (but are not limited to) the presentation of photo identification, and a process to ensure that an entirely different individual with a similar or identical name to a

prospective customer does not have his or her credit pulled. However, it is evident that these safeguards are either not in place at all, are completely illusory, or are wholly insufficient in practice. For instance:

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↑ Posted by u/Stevenalicious 3 years ago

2

↓

### Verizon wireless: identity theft

Credit

Hi guys, thanks for looking!

Quick summary of what happened.

1. Lender ran my credit score today and told me I owe Verizon \$5,465.xx.
2. Called Verizon about it, transferred to their fraud department. The people got my name and ss# correct but not my address. They opened 7 lines and got 6 iPhones. Verizon rep in the store never checked ID.
3. They told me to file a police report and then they can close the account.

I have never used Verizon or walked into a Verizon store in my life.

My issue is how can I get it removed from my credit score so I can get the best possible loan on a home? It needs to be done as quickly as possible because the home looks like it won't be available for long.

Also, am I missing anything in the process to get it removed from my credit/is there something else I can do other than file a police report?

Thanks again for looking and have a good rest of your day.

[https://www.reddit.com/r/personalfinance/comments/4qbq92/verizon\\_wireless\\_identity\\_theft/](https://www.reddit.com/r/personalfinance/comments/4qbq92/verizon_wireless_identity_theft/)

27. Upon information and belief, Defendant conducts a credit inquiry for every individual that has an account improperly opened in his or her name. Upon further information and belief, many of these individuals were or are unaware that a credit inquiry had been performed, until and unless Defendant informs them of this fact.

28. The lack of Defendant's policies and procedures to remedy consumer harm related to the opening of false accounts with Verizon is well noted throughout the internet:

## Verizon Wireless — frustrations in dealing with verizon wireless fraud dept.

Review updated: Aug 02, 2019

 8 comments



Ive had the worst time with Verizon Wireless - their fraud department veers from comical to borderline incompetent. Someone opened a verizon wireless account in my name at an address i never lived at back in late 2011. They received several thousand dollars worth of Verizon service. When i contacted Verizon to explain this was fraud having noted my credit score had been negatively impacted (note, i contacted them, not the other way round), they have "concluded a thorough investigation and deduced it is not fraud". Ive yet to receive a single letter from Verizon to my correct address containing any details of what i owe them, or why it isnt fraud. ive been in touch with the fraud department on at least a dozen occasions and have even spoken to the executive relations department. all to no avail - it almost seems like no one over there cares, they're just intent on following their process. So i keep getting calls from debt collectors who leave me alone as soon as i tell them its fraud and give them the police crime #. So Verizon Wireless just move to the next debt collector, and add a few hundred dollars in fees to the bill. Really, Verizon? If i didnt pay it because i wasnt responsible when it was 3500 dollars, do you think making it bigger is going to change my viewpoint?

<https://www.complaintsboard.com/complaints/verizon-wireless-frustrations-in-dealing-with-verizon-wireless-fraud-dept-c638514.html#comments>

29. Comments by other consumers to the above post confirm Verizon's failure to appropriately safeguard the credit and privacy harm accompanying the opening of false accounts:

[remainder of page intentionally left blank]

Wow I had the exact same experience with Verizon fraud as you dcharrison111. I randomly began receiving bills from Verizon last year around November. I have had AT&T since I was in high school and had never even thought of switching providers. I called and they started "investigating" my case and eventually decided it wasn't fraud... The same person whole stole my identity also opened accounts with Sprint and T-Mobile. Both of these companies almost instantly dropped their charges once I showed them a police report. But to this day I still have a mark on my credit from Verizon. They simply refused to acknowledge the evidence I had proving I did not open the account. Whats even more ridiculous is that the phone what purchased in Florida. I live in California and have never even been to Florida! It's like a nightmare that will never end...

 0 Votes 

 Reply

Verizon did the same thing to me. they claim I owe them over 2 thousand dollars but I never opened an account with verizon in my whole entire life. I contacted them and they said I have to make a police report and post it on there fraud website along with other documents. when I went to the police to make a report they asked me for account information which I didn't have and told me that I have to get all the information about this account before I can make a report. I called verizon fraud dept. and asked them for account information and they refused to give me any information besides the account number, and told me to tell the police officer to call them and they will provide the him/her with the needed information. I went again to police dept. and told them what the lady from verizon told me and the police officer refused to call verizon and told me that is not his job and that verizon must give me the information since they claim I am the owner of the account. I called verizon again but they refused to give me any information saying that this is their policy since the account is beeing reported as fraudulent account. and since that time I have not been able to do anything. But I have been thinking that someone has to put a stop to all this, and I am thinking if some how all the people that have been victims of verizon fraud account get together and sew them that would be the way to go. I am thinking on how to get a whole group of victims and I know there has to thousands of them out there after reading this post and other posts on the web. I will not rest till I get them back because they ruined my credit and I refuse to pay for something I didn't do.

 +3 Votes 

 Reply

Id.



30. Verizon is an established business (indeed, a publicly traded company) with access to legal advice through its own general counsel's office and outside counsel, yet still continuously and extensively violates the law even after having been notified of the wrongdoing.

31. At all times pertinent hereto, Defendant was acting by and through its subsidiaries, agents, servants and/or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of the Defendant.

32. At all times pertinent hereto, the conduct of the Defendant, as well as that of its subsidiaries, agents, servants and/or employees, was intentional, willful, reckless, and in grossly negligent disregard for federal and state laws and the rights of the Plaintiff.

33. As a result of Defendant's conduct, the Plaintiff and members of the Putative Class have suffered concrete injuries. In addition to having their privacy invaded, informational injuries, and reduction in credit scores, Plaintiff and members of the Putative Class have had their personal identifying information unnecessarily disseminated to the Defendant, and, upon information and belief to its related information-sharing affiliates. Defendant has subjected consumer class members to increased risk of identity theft and/or a data breach, resulting in consequential anxiety and emotional distress. These injuries are particularized and concrete, but difficult to quantify rendering the recovery of class statutory damages ideal and appropriate.

### **CLASS ACTION ALLEGATIONS**

34. Plaintiff asserts his claim in Count One individually and on behalf of the "FCRA Impermissible Purpose Class" defined as follows:

**FCRA Impermissible Purpose Class.** All persons within the United States who never authorized Verizon to open an account, who had a credit inquiry performed and credit reports obtained by Defendant without any permissible purpose, within the five years prior to the filing of the Complaint until the date of final judgment in this action.

35. **Numerosity.** The members of the Putative Class are so numerous that the individual joinder of all of its members is impracticable. While the exact number and identities of the members of the Putative Class are unknown to Plaintiff at this time, and can only be ascertained through appropriate discovery, Plaintiff is informed and believes that the Putative Class includes hundreds or thousands of members, which can be ascertained by the records maintained by Defendant.

36. **Typicality.** Plaintiff and members of the Putative Class were harmed by the acts of Defendant in at least the following ways: Defendant routinely accesses consumer credit reports of individuals who never authorized Verizon to open an account, with no permissible purpose and without written authorization. The FCRA violations suffered by Plaintiff are typical of those suffered by other members of the Putative Class, and Verizon treated Plaintiff consistent with other members of the Putative Class.

37. **Adequacy.** Plaintiff is an adequate representative of the Putative Class. As a person who had his credit report obtained by Defendant without any permissible purpose, Plaintiff's interests are aligned with, and are not antagonistic to the interests of the members of the Putative Class. Plaintiff has retained counsel competent and experienced in complex class action litigation.

38. **Commonality.** Common questions of law and fact exist as to all members of the Putative Class and predominate over any questions solely affecting individual members of the Putative Class, including but not limited to:

- a. Whether Defendant obtained consumer reports without a permissible purpose and without written authorization;
- b. Whether Defendant's actions violated the FCRA;

- c. The proper measure of statutory and punitive damages; and
- d. The proper form of injunctive and declaratory relief.

39. This case is maintainable as a class action under Fed. R. Civ. P. 23(b)(1) because prosecution of actions by or against individual members of the Putative Class would result in inconsistent or varying adjudications and create the risk of incompatible standards of conduct for Defendant. Further, adjudication of each individual Putative Class member's claim as a separate action would potentially be dispositive of the interest of other individuals not a party to such action, impeding their ability to protect their interests.

40. This case is maintainable as a class action under Fed. R. Civ. P. 23(b)(2) because Defendant has acted or refused to act on grounds that apply generally to the Putative Class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the Putative Class as a whole.

41. Class certification is also appropriate under Fed. R. Civ. P. 23(b)(3) because questions of law and fact common to the Putative Class predominate over any questions affecting only individual members of the Putative Class, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Defendant's conduct described in this Complaint stems from common and uniform policies and practices, resulting in common violations of the FCRA. Members of the Putative Class do not have an interest in pursuing separate actions against Defendant, as the amount of each Class member's individual claims is small compared to the expense and burden of individual prosecution, and Plaintiff is unaware of any similar pending claims brought against Defendant by any members of the Putative Class on an individual basis. Class certification also will obviate the need for unduly duplicative litigation that might result in inconsistent judgment concerning Defendant's practices. Moreover,



management of this action as a class action will not present any likely difficulties. In the interests of justice and judicial efficiency, it would be desirable to concentrate the litigation of all Putative Class members' claims in a single forum.

42. Plaintiff intends to provide notice to all members of the Putative Class to the extent required by Rule 23. The names and addresses of the Putative Class members are available from Defendant's records.

43. Plaintiff represents, and is a member of the Putative Class, consisting of all persons within the United States who never authorized Verizon to open an account, who had a credit inquiry performed on his or her credit by Defendant without any permissible purpose, within the five years prior to the filing of the Complaint until the date of final judgment in this action.

### **CAUSES OF ACTION**

#### **COUNT ONE**

**(Asserted on behalf of Plaintiff and the FCRA Impermissible Purpose Class)**

#### **Violation of the Fair Credit Reporting Act**

**15 U.S.C. § 1681 *et seq.***

44. Plaintiff incorporates by reference the preceding paragraphs as if fully set forth herein.

45. Plaintiff is a "consumer" as defined by the FCRA.

46. Verizon is a "person" as defined by the FCRA.

47. Defendant's conduct violates 15 U.S.C. § 1681b by obtaining a consumer report knowingly without a permissible purpose and without authorization from Plaintiff and the Class members.

48. The foregoing violations were willful. Verizon knew or should have known that it was not authorized to request Plaintiff's and the Class members' credit reports and acted in deliberate or reckless disregard of its obligations and the rights of Plaintiff and other Class members under 15 U.S.C. § 1681b.

49. Plaintiff and the Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

50. Plaintiff and the Class are entitled to punitive damages for these violations, pursuant to 15 U.S.C. § 1681n(a)(2).

51. Plaintiff and the Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

#### **PRAYER FOR RELIEF**

52. WHEREFORE, Plaintiff, on behalf of himself and the Putative Class, prays for relief as follows:

- a. Determining that this action may proceed as a class action under Rule 23(b)(1), (2) and (3) of the Federal Rules of Civil Procedure;
- b. Designating Plaintiff as class representative and designating Plaintiff's counsel as counsel for the Putative Class;
- c. Issuing proper notice to the Putative Class at Defendant's expense;
- d. Declaring that Verizon committed multiple, separate violations of the FCRA;
- e. Declaring that Verizon acted willfully in deliberate or reckless disregard of Plaintiff's rights and its obligations under the FCRA;

- f. Awarding appropriate equitable relief, including, but not limited to, an injunction forbidding Verizon from engaging in further unlawful conduct in violation of the FCRA;
- g. Awarding statutory damages and punitive damages as provided by the FCRA;
- h. Awarding reasonable attorneys' fees and costs;
- i. Awarding Plaintiff and the class treble damages where appropriate; and
- j. Granting such other and further relief, in law or equity, as this Court may deem just and appropriate.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all issues so triable.

Respectfully submitted,

**THE KIM LAW FIRM, LLC**

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*Attorneys for Plaintiff Scott Mathews*

Dated: March 2, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing to be served on all counsel of record via ECF filing with the Court.

By: /s/ Richard Kim  
Richard Kim, Esquire

Dated: March 2, 2020